



長春社 Since1968

The Conservancy Association

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27th May 2022

Town Planning Board
15/F North Point Government Offices
333 Java Road
North Point
Hong Kong

By e-mail: tpbpd@pland.gov.hk

Dear Sir/Madam,

Comments on the Section 12A Application No. Y/YL-NSW/8

The Conservancy Association (CA) OBJECTS to the captioned application.

1. Not in line with the planning intention of Wetland Buffer Area (WBA)

According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12C), the application site is located within WBA. The planning intention of WBA is “to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds”.

When comparing the plot ratio of Other Specified Uses (Comprehensive Development to include Wetland Restoration Area) (OU(CDWRA)) (i.e. 0.4) with the proposed OU(CDWRA)1 (i.e. 2.25), it is obvious that development density of the proposed development is largely increased.

Meanwhile, a Section 16 application A/YL-NSW/241 has once been submitted to Town Planning Board at the same site in 2015 to facilitate a comprehensive development of outlet mall with commercial uses and commercial fish ponds. We note that number of buildings, maximum building height, and numbers of storeys of proposed development (Table 1) are higher than the previous one.



Table 1 Development parameter of A/YL-NSW/241 and Y/YL-NSW/8

	A/YL-NSW/241	Y/YL-NSW/8
No. of block	12 outlet malls	25 residential towers
Maximum building height	<23.5mPD	<115mPD
No. of storeys	3	<29

The proposed development would also introduce an additional of population of 17,745 and 6,825 flats. In general, it appears that much higher level of development would be resulted in the subject site. Such large development scale would potentially induce adverse off-site disturbance impacts on adjacent wetland in WCA, affect ecological function and integrity of Deep Bay wetland ecosystems. We opine that this is definitely not in line with the TPB PG-No. 12C and planning intention of WBA.

2. Incompatible with development scale outside WBA

Figure 2.4 of the Planning Statement demonstrates development intensity profile of the site and its surrounding environment outside WBA. The applicant makes reference to the proposed public housing development in Sha Po Tsuen, with a plot ratio of 6.5, and demonstrate that the plot ratio of proposed development is following a gradual descending development density from east of San Tin Highway towards WBA and Deep Bay area. However, such observation fails to consider the development density in adjacent environment, particularly Park Yoho (Table 2).

Table 2 Development parameters of current application and Park Yoho

	Y/YL-NSW/9	Park Yoho	Park Yoho Phase 2	Park Yoho Phase 3
Plot ratio	2.25	1.024	1.64	1.254
Building height (storeys)	<115mPD (<29)	62.2mPD (16)	62.2mPD (16)	66.35mPD (18)

In short, the development scale of the proposed application is not only incompatible with the rural, low-density development in WBA, but also the development density



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outside WBA.

3. Adverse ecological impacts

Despite provision of Ecological Impact Assessment (EcoIA), we are still doubtful that at least some of the potential ecological impacts remains unsolved:

- i. Disturbance on bird species at Kam Tin Main Drainage Channel (MDC): From the EcoIA, high diversity of waterbird species such as Black-faced Spoonbill, Chinese Pond Heron, Northern Shoveler, Pied Avocet, etc., can be spotted at the channel in the west of the application site. Off-site negative impact, such as construction noise during construction phase and human activities during operation phase, would adversely affect foraging behavior of these birds. However, it seems that the EcoIA still fails to justify how these impacts can be avoided or mitigated.
- ii. Disruption on flight lines of waterbirds: Figure 6h states that winter bird flight lines, both major and occasional, are very close to the west and north-west of the subject site respectively. Meanwhile, the EcoIA of A/YL-NSW/241 once revealed that a total of 8 Black-faced Spoonbill, listed as “Endangered” under IUCN Red List, were recorded flying at the west of subject site parallel to Kam Tin MDC in December 2012 and January 2013. It also showed that all flight lines, including major and minor, pass through the subject site towards Kam Tin MDC, the adjacent mitigation wetland and fish ponds. In this way, we still worry that potential disruption on flight lines on waterbirds would be resulted.
- iii. Light disturbance: Additional light source from residential towers and open space would pose disturbance on birds and other wildlife, such as night roost of ardeids at Kam Tin MDC. Section 6.4.9 of the EcoIA mentions that “*Since the Yuen Long Highway viaduct is located between these night roosts and the Application Site; and is very close to the night roosts, the night roosts are largely within the shadow zone of the viaduct such that the viaduct could block most light to these night roosts of the Application Site*”. However, the proposed residential towers are 28-29 storeys high and we are very doubtful how such evaluation can apply to such high-rise residential towers. We opine that the applicant fails to evaluate potential light impact properly and suggest



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- measures to avoid or mitigate potential light disturbance during the construction and operation phase.
- iv. Bird collision: Even though Section 6.4.10 of the EcoIA mentions that the current residential development would not have extensive glass façade, the height of residential towers, as mentioned above, would be substantial and they tend to have more areas of glass. Meanwhile, nocturnal avian collision with buildings is not clearly identified and evaluated in the EcoIA. Therefore, we do not agree with the conclusion mentioned in Table 7.1 of the EcoIA that no mitigations are required for bird collision.
 - v. Potential impact brought by creation of “Wetland Restoration Area”: According to Figure 4.7 of Indicative Landscape Master Plan, it seems that additional ancillary facilities would be built in the Wetland Restoration Area, such as internal roads, observation deck, and so on. It is doubtful if associated works would be necessary, and additional impacts would be anticipated. We do not think the EcoIA may not fully identify and assess off-site impacts due to creation of “Wetland Restoration Area”.

4. Insufficient details on “Wetland Creation Area”

As stated in the proposed (OU(CDWRA)1, “*a wetland restoration and/or creation scheme, including its detailed design, wetland buffer proposals, a long-term maintenance and management plan, and monitoring and implementation mechanism*” should be prepared for consideration of TPB. However, most of the above details are not available. It is currently difficult to ensure long-term management of the proposed wetland.

5. Potential cumulative impacts

Section 8.1.2 mentioned that “*For those planning projects which were within the 500m Study Area but withdrawn or no approval status, it is considered not appropriate to include those projects as concurrent projects for the purpose of this cumulative impact assessment*”. Such definition of concurrent projects would lead to great under-estimation of potential cumulative impacts. We especially worry that exclusion of some particular projects, such as Y/YL-NSW/9 (just situated at the south of the subject site), Northern Link, etc., would downplay interactions between the environmental impacts of the project and the environmental impacts of other



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developments.

Over the past decade, many large-scale development applications inside WBA around Nam Sang Wai have been approved or submitted for approval. The entire region has been under high development pressure. Approving the captioned application would set undesirable precedent for similar applications for large-scale development in the area. Development would further encroach into lands with conservation and landscape values, decreasing overall quality of the environment.

Yours faithfully,

Ng Hei Man

Campaign Manager

The Conservancy Association